

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CAROLYN GREENE, On Behalf of Herself and All Others Similarly Situated,)	CIVIL ACTION NO. 03-12628-NG
Plaintiff,)	
v.)	
BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH and RONALD F. RICHARDS,)	CIVIL ACTION NO. 04-10013-DPW
Defendants.)	
))	
JOHN G. ESPOSITO, JR., D.D.S., On Behalf of Himself and All Others Similarly Situated,)	CIVIL ACTION NO. 04-10038-NG
Plaintiff,)	
v.)	
BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH and RONALD F. RICHARDS,)	CIVIL ACTION NO. 04-10038-NG
Defendants.)	
))	
JOSEPH L. KING, On Behalf of Himself And All Others Similarly Situated,)	CIVIL ACTION NO. 04-10038-NG
Plaintiff,)	
v.)	
BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH and RONALD F. RICHARDS,)	CIVIL ACTION NO. 04-10038-NG
Defendants.)	
))	

[Additional Case Captions Continued on Next Page]

MICHAEL E. CRIDEN, On Behalf of Himself and All Others Similarly Situated,)	
)	
Plaintiff,)	
)	
v.)	
)	
BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH and RONALD F. RICHARDS,)	
)	
Defendants.)	
)	
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ISRAEL SHURKIN and SHARON SHURKIN, On Behalf Of Themselves and All Others Similarly Situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH and RONALD F. RICHARDS,)	
)	
Defendants.)	
)	
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JAMES J. NIZZO and VIRGINIA C. NIZZO, as Joint Tenants and CARLO CILIBERTI, On Behalf of Themselves And All Others Similarly Situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH and RONALD F. RICHARDS,)	
)	
Defendants.)	
)	

**CIVIL ACTION
NO. 04-10046-NG**

**CIVIL ACTION
NO. 04-10065-NG**

**CIVIL ACTION
NO. 04-10065-NG**

[Additional Case Captions Continued on Next Page]

BARRY BROOKS, On Behalf of Himself And All)
Others Similarly Situated,)
) Plaintiff,)
) v.))
BIOPURE CORPORATION, THOMAS A. MOORE,)
CARL W. RAUSCH and RONALD F. RICHARDS,)
) Defendants.)
)

ANASTASIOS PERLEGIS, Individually and)
On Behalf of All Others Similarly Situated,)
) Plaintiff,)
) v.))
BIOPURE CORPORATION, THOMAS A. MOORE)
CARL W. RAUSCH and RONALD F. RICHARDS,)
) Defendants.)
)

MARTIN WEBER, On Behalf of Himself and All)
Others Similarly Situated,)
) Plaintiff,)
) v.))
BIOPURE CORPORATION, THOMAS A. MOORE,)
CARL W. RAUSCH and RONALD F. RICHARDS,)
) Defendants.)
)

[Additional Case Captions Continued on Next Page]

**MODEL PARTNERS LIMITED, Individually and On
Behalf of all Others Similarly Situated,**)
Plaintiff,)
CIVIL ACTION
D.C. C.A. NO. 10-0000000

**JUNE E. PATENAude, Individually and On Behalf)
Of All Others Similarly Situated,)
Plaintiff,)) CIVIL ACTION**

[Additional Case Captions Continued on Next Page]

NANCY L. PINCKNEY and GERTRUDE PINCKNEY)
Individually and on Behalf of All Others Similarly)
Situated,)
Plaintiffs,)
v.)
BIOPURE CORPORATION, THOMAS MOORE)
and CARL W. RAUSCH,)
Defendants.)
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W. KENNETH JOHNSON, On Behalf of Himself and)
All Others Similarly Situated,)
Plaintiff,)
v.)
BIOPURE CORPORATION, THOMAS A. MOORE,)
CARL W. RAUSCH and RONALD F. RICHARDS,)
Defendants.)
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GREGORY KRUSZKA, On Behalf of Himself And)
All Others Similarly Situated,)
Plaintiff,)
v.)
BIOPURE CORPORATION, THOMAS A. MOORE,)
CARL W. RAUSCH and RONALD F. RICHARDS,)
Defendants.)

DEFENDANTS' RESPONSE TO MOTIONS FOR CONSOLIDATION, APPOINTMENT OF LEAD PLAINTIFFS, AND FOR APPROVAL OF SELECTION OF LEAD COUNSEL

Seven sets of proposed lead plaintiffs have moved in the above-captioned actions for (i) consolidation, (ii) appointment of lead plaintiffs pursuant to § 21D(a)(3)(B) of the Securities Exchange Act of 1934, and (iii) approval of lead plaintiffs' selection of lead counsel (the "Lead Plaintiff Motions"). By way of information, Defendants, Biopure Corporation, Thomas A. Moore, Carl W. Rausch and Ronald F. Richards, respond to the Lead Plaintiff Motions as follows:

1. Defendants are aware of fifteen securities class action complaints that have been filed in this matter.

2. Defendants are aware of seven pending motions for consolidation, appointment of lead plaintiffs and approval of lead plaintiffs' choice of lead counsel, that have been recently filed, all of which have moved to consolidate all related actions pending in the District of Massachusetts.¹ The motions have been filed by the following proposed lead plaintiffs:

- (1) George Eliopoulos, Dale Self and Mark Mentz, alleging damages in the amount of \$85,266,
- (2) Selina and Alexander Chao, alleging \$51,625 in damages;
- (3) William Homeyer, Thomas Echlin, William Kim, Gernot Buerger and Richard Acuna, alleging \$106,887.19 in damages; and
- (4) Ronald Erickson and Benjamin Joseph, alleging \$323,199 in damages;

¹ To date, Defendants have not been served with and have not seen the motions filed by (1) William Bhaskar, Michael Land and Kenneth Isherwood and (2) Bill McCardie and Vincent Riccio. Defendants learned of these two motions from references in the motion filed on March 15, 2004 by Neil and Susan Fineman, Michael Navilio, Robert Powell and Edward P. Collins. To the extent service was not properly or timely made upon Defendants, Defendants oppose these motions.

- (5) William Bhaskar, Michael Land and Kenneth Isherwood, apparently alleging \$105,485 in damages;
- (6) Bill McCardie and Vincent Riccio, apparently alleging \$51,815 in damages; and
- (7) Neil and Susan Fineman, Michael Navilio, Robert Powell and Edward P. Collins, alleging \$545,780 in damages.

3. Defendants do not oppose the consolidation of the above-captioned fifteen securities class actions.

4. In addition, Defendants take no position on the issue of the appropriate lead plaintiffs or lead counsel.

5. However, Defendants disagree that any of the proposed lead plaintiffs have met the requirements of Fed. R. Civ. P. 23(a). Defendants reserve the right to address that issue at the appropriate procedural juncture.

**BIOPURE CORPORATION, THOMAS A.
MOORE, CARL W. RAUSCH and RONALD F.
RICHARDS**

By their attorneys,

/s/ Eunice E. Lee

Robert A. Buhlman, BBO #554393

Eunice E. Lee, BBO #639856

BINGHAM McCUTCHEN LLP

150 Federal Street

Boston, MA 02110

(617) 951-8000

Dated: March 15, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was electronically served and/or was served by regular mail on the attorney of record for each party (see attached list) on March 15, 2004.

/s/ Eunice E. Lee

Eunice E. Lee

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